

17.32.090 – Economic hardship

Notwithstanding any of the provisions of this Chapter to the contrary, upon receipt of a recommendation from the Historic Preservation Commission, and upon making the findings described herein, the City Council may approve a certificate of economic hardship to allow the performance of work for which a Certificate of Appropriateness has been denied.

1. Applicants claiming economic hardship shall be required to show evidence of having sought rehabilitation assistance from available sources. The Historic Preservation Commission will provide the applicant with a list of sources known to it.
2. Applicants may submit any, or all, of the following information in support of the application:
 1. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 2. The assessed value of the land, and improvements thereon, according to the two (2) most recent officially documented assessments.
 3. Real estate taxes for the two (2) previous years.
 4. Remaining balance on mortgage, if any, and annual debt service, if any, for the previous two (2) years.
 5. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
 6. Any listing of the property for sale or rent, and the price asked and offers received, if any.
 7. Any consideration by the owner as to profitable adaptive uses for the property.
 8. If the property is income-producing, the annual gross income from the property for the previous two (2) years, itemized operating and maintenance expenses for the previous two (2) years, and annual cash flow before and after debt service, if any, during the same period.
 9. Form of ownership or operation of the property, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture or other.
 10. An estimate from an architect, developer, real estate consultant, appraiser or other real estate professional, experienced in rehabilitation, as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 11. A report from a licensed architect or engineer, with experience in rehabilitation, as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 12. Any other information reasonably necessary for a determination as to whether the property can be reasonably used by, or yield a reasonable return to, present or future owners.
3. After reviewing the application and any other information available, the Historic Preservation Commission shall make a recommendation to the City Council regarding the application for a certificate of economic hardship. If the City Council finds that without approval of the proposed work the property cannot obtain a reasonable economic return, it may issue a certificate of economic hardship. In the alternative, it may delay the issuance of a certificate of economic hardship for a period of up to three (3) months. During this time, the City Council shall invite plans and recommendations from the Historic Preservation Commission, or any interested party, to provide for a reasonable beneficial use or a reasonable economic return, or to otherwise preserve the subject property. Such plans and recommendations may include, but not be limited to, a relaxation of the provisions of this ordinance, an abatement of real property taxes, financial assistance, the application of building code requirements, and/or changes in zoning regulations.
4. If by the end of this three (3) month period, the City Council determines that no viable alternative is available and the property cannot be put to a reasonably beneficial use, or the owner cannot obtain a reasonable economic

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return, then it shall issue a certificate of economic hardship approving the proposed work.

5. The City Council shall consider the recommendations of the Historic Preservation Commission in deciding whether to issue the certificate of economic hardship, but may overturn the Historic Preservation Commission's recommendation if, in its sole discretion, it finds such action appropriate.